



Montana Association of Planners
954 Caledonia Street
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www.montanaplanners.org

**EDUCATION & LOCAL GOV'T IC
SEPTEMBER 13, 2012
Exhibit 17**

September 11, 2012

Education and Local Government Interim Committee
Chair Representative Elsie Arntzen
PO Box 201704
Helena, MT 59620

Dear Rep. Elsie Arntzen and Members of the Education and Local Government Interim Committee:

The Montana Association of Planners (MAP) appreciates the opportunity to comment on the work of the Education and Local Government Interim Committee (ELGC) regarding HJR 39 Subdivision for Lease or Rent (SLR). MAP is an association of professional planners from the public and private sector, planning board members, and interested citizens that is very interested in issues that affect land use planning and development across Montana.

MAP has been involved in and monitoring the discussions surrounding SLR since the 2011 Legislative Session. MAP has been represented on the stakeholder group that was managed by Community Technical Assistance Program (CTAP) staffers and provided five options to the ELGC earlier this summer for addressing the challenges associated with reviewing and managing SLR across Montana. Despite some of the good ideas that came from the stakeholder group discussions and some of the five options presented to the ELGC, it is important that MAP share its concerns on this issue with the ELGC as you continue discussions on this matter in advance of the 2013 Legislative Session.

MAP believes that it would be better to clarify the existing law to provide for local review criteria than to set up a new review process outside of the Montana Subdivision and Platting Act (MSPA). MAP does not think it is necessary to set up additional review processes or regulatory mechanisms as has been described in some of the options and supported by some stakeholders. Generally, MAP does not think we need to establish new review processes or regulatory mechanisms under Title 76. With respect to SLR, enabling a local review option seems to be the way to go. MAP also does not think that recent proposals to waive various reviews or handing them to other agencies, like the Department of Environmental Quality (DEQ), provides the level of local input and control over the process that communities need. It is the local elected officials, residents, and planning staff that know how to address and mitigate impacts through the subdivision review process and it should stay local.



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During the 2012 Western Planner Conference in Billings in August, the MAP Legislative Committee sat down with planners from several communities in eastern Montana and asked them what they would like to see in regard to SLR. The main response was: What we have now for SLR is better than nothing and don't take away our ability to review and mitigate impacts of SLR's by taking it out of the subdivision regulations or moving all, or portions of it, into the zoning regulations. They stated that almost all of the subdivisions being reviewed in eastern Montana are outside of zoning, so they need the review in MSPA so that it may apply to all the unzoned areas they are working in. Proposals to waive local review requirements, or hand reviews up to the DEQ, do not help any community, including eastern Montana communities, working to mitigate impacts.

As outlined during the CTAP-led stakeholder meetings that reported to the ELGC this summer, some revision of the law – without setting up whole new subdivision review processes or zoning-like authority *may* be warranted. Approaches like exempting SLR reviews in zoned areas, or better defining what a SLR is and is not would make a huge difference in clearing up some of the confusion about SLR. However, MAP believes that wholesale removal of SLR from MSPA and proposals like trying to make long lists of exempt uses from SLR is an approach that will take the management of mitigating development from subdivisions of all types out of the hands of those who know how best to address it – local elected officials, citizens, and planning staff.

Thank you for your consideration of comments from MAP.

Sincerely,

Wyeth Friday
MAP President
Billings